

G. DAVID ROBERTSON, ESQ. (NV Bar 1001)
KIRK C. JOHNSON, ESQ. (NV Bar 4299)
Robertson, Johnson, Miller & Williamson
50 West Liberty Street, Suite 600
Reno, Nevada 89501
Telephone No.: (775) 329-5600
Facsimile No.: (775) 348-8300
gdavid@nvlawyers.com
kirk@nvlawyers.com
Attorneys for Defendant/Counterclaimant ICON RENO
PROPERTY OWNER POOL 3 NEVADA, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MFR HOLDCO, LLC, a foreign limited
liability company,

Plaintiff,

vs.

ICON RENO PROPERTY OWNER POOL 3
NEVADA, LLC, a foreign limited liability
Company,

Defendants.

Case No. 3:18-cv-00034-MMD-WGC

ICON RENO PROPERTY OWNER POOL 3
NEVADA, LLC, a foreign limited liability
Company,

Counterclaimant.

vs.

MFR HOLDCO, LLC.; ACH FOAM
TECHNOLOGIES, INC.; FRANK
KIESECKER, JR., individually; RICHARD L.
WALLER, individually; MICHAEL S.
HUEMPFNER, individually,

Counterdefendants.

**STIPULATION FOR EXTENSION OF TIME TO RESPOND TO
MOTION TO DISMISS COUNTERCLAIM (FIFTH REQUEST)**

WHEREAS, Counterdefendants Kiesecker, Waller and Huempfner filed a Motion to
Dismiss Counterclaim (ECF 52) on February 26, 2019 (“the Motion”);

WHEREAS, Counterclaimant’s opposition to the Motion is currently due on or before
May 17, 2019;

STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS COUNTERCLAIM
(FIFTH REQUEST)

1 **WHEREAS**, the parties participated in a mediation on March 4, 2019, and reached a
2 tentative settlement of the action;

3 **WHEREAS**, the parties appear to have hopefully resolved the last remaining issue with
4 the latest settlement agreement changes now awaiting final approval from a few of the interested
5 parties;

6 **WHEREAS**, the terms of the settlement agreement have led some of the parties to seek
7 insurance coverage for issues addressed in the agreement and which insurance issues those
8 parties are still working through with their insurers and which need to be resolved before the
9 parties can execute the settlement agreement;

10 **WHEREAS**, the settlement will obviate the need for Counterclaimant to file an
11 opposition to the Motion and save judicial resources; and

12 **WHEREAS**, the parties agree that the Counterclaimant should not be required to expend
13 time and money opposing the Motion if the parties can finish finalizing their settlement, such
14 that an extension of time for Counterclaimant to file said opposition, while the parties work to
15 finalize their settlement, makes good sense,

16 **IT IS HEREBY STIPULATED AND AGREED** by and between the undersigned, that
17 Counterclaimant Icon Reno Property Owner Pool 3 Nevada, LLC shall have to and including
18 June 14, 2019, to file its opposition to Plaintiff's Motion to Dismiss Counterclaim in this action.

19 **IT IS SO STIPULATED:**

20 DATED: May 17, 2019

DATED: May 17, 2019.

21 HOLLAND & HART LLP

ROBERTSON, JOHNSON
MILLER & WILLIAMSON

22 By: /s/ Matthew B. Hippler
23 Matthew B. Hippler, Esq.
24 Frank Z. LaForge, Esq.
 Attorneys for Plaintiff/
 Counterdefendants

By: /s/ Kirk C. Johnson
Kirk C. Johnson, Esq.
Attorneys for Defendant/
Counterclaimant

25 **ORDER**

26 **IT IS SO ORDERED:**

27
28 
UNITED STATES DISTRICT JUDGE
DATED: May 20, 2019

STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS COUNTERCLAIM
(FIFTH REQUEST)

1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP 5(b) and Local Rule 5-4, I hereby certify that I am an employee of
3 Robertson, Johnson, Miller & Williamson, over the age of eighteen, and not a party to the within
4 action. I further certify that on the 17th day of May, 2019, I electronically filed this
5 **STIPULATION FOR EXTENSION OF TIME TO RESPOND TO MOTION TO DISMISS**
6 **COUNTERCLAIM (FIFTH REQUEST)** and thus, pursuant to LR 5-4, caused same to be
7 served by electronic mail on the following Filing Users:

8 Matthew B. Hippler, Esq. (SBN 7015)
9 Frank Z. LaForge, Esq. (SBN 12246)
10 Holland & Hart LLP
11 5441 Kietzke Lane, Second Floor
12 Reno, NV 89511
13 mhippler@hollandhart.com
14 lzlaforge@hollandhart.com

15 */s/ Teresa W. Stovak*
16 _____
17 An Employee of Robertson, Johnson,
18 Miller & Williamson
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